M I N U T E S
REGULAR COMMISSION MEETING
CITY OF HOLLY HILL, FLORIDA
April 23, 2002

1. CALL TO ORDER
A. Roll Call

Mayor William Arthur called the meeting to order in the Commission Chambers at City Hall, 1065 Ridgewood Avenue at approximately 7:00 p.m. Attending with Mayor Arthur were Commissioners Arthur Byrnes, Paul Lockeby, and Roland Via.

Also attending were City Manager Joe Forte, City Attorney Edward Simpson, City Auditor Alex Kish, Development Code Administrator Tim Harbuck, City Planner Bob Keeth, Finance Director Brenda Gubernator, Public Works Director Milt Hallman, Emergency Services Director Don Shinnamon, and City Clerk Jeaneen Clauss.

Mayor Arthur recognized Mrs. Nielson's Mainland High School Class.

B. Invocation

Mr. Hallman delivered the invocation.

C. Pledge of Allegiance to the Flag

2. PRESENTATIONS & PROCLAMATIONS
A. Proclamation for Police Week and Peace Officers Day - May 12-18 & May 15, 2002

Mayor Arthur asked Ms. Clauss to read the proclamation, which he presented to Chief Shinnamon.

B. Annual Financial Report from Alex Kish, Audit Director with Brent Millikan & Company, P.A.

Mr. Kish presented the City's Annual Financial Report for the Fiscal Year ending September 30th, 2001. He told them they had another great year and the City is in even better financial condition than last year. He began by explaining the layout of the audit report. They have issued an unqualified audit opinion that the City has a clean bill of health in accordance with general and governmental auditing standards (unqualified simply means that they were no mandated qualifiers to be considered). The City now has forty-two point one percent in their reserve fund. The City is definitely in a strong financial position. The Commission inquired as to what the “norm” was and Mr. Kish explained that can vary widely among cities but twenty-five percent is pretty safe. He pointed-out that the City has managed to accrue this savings, while reducing the millage rate for six consecutive years. Mr. Kish addressed the Management Letter and the Response to the Management Letter. The only concern noted was for the full implementation of

GASB-34, the first phase of which must be completed by October 1, 2002. He presented a booklet that their firm had put together which provided a simplified version of the audit results, along with comparative charts. A chart comparing specific factors of this City to those of others within the County was included. In reviewing this chart, Mr. Kish pointed out that these could not offer a true comparative view because each city has significant differences that effect these numbers. They are putting together peer group graphs, which will be forwarded to the Commission.

3. CONSENT AGENDA
Minutes of Regular Commission Meeting – April 9, 2002
Report of Purchase Orders over $5,000 (GE Supply - $5,000.20)

Commissioner Via moved ***APPROVAL*** *of the items on the consent agenda, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby - yes, Byrnes – yes, Arthur - yes.

4. Committee Reports

Volusia Water Alliance

Commissioner Via advised that they had an important meeting scheduled with their consultant Jake Varn, which has been rescheduled for May 7th at 9:30 a.m. They will be discussing the implementation plan at that time. They will also be discussing the possible recommendation to the County Council for a referendum question on the creation of a separate water entity. This would combine all the cups. He encouraged the other Commissioners to attend this meeting. As for previous discussions regarding interconnects, this whole item is on-hold because there is no money budgeted for it.

Volusia League of Cities

Commissioner Byrnes advised that they have a meeting this Thursday in Deltona.

Volusia Council of Governments

Commissioner Lockeby advised that they have reviewed the draft of the financials for the EMS study now. They also discussed the Bicycle / Pedestrian Task Force that is being created.

Metropolitan Planning Organization

Mayor Arthur advised that they discussed the A1A beautification grant, which is requested by Daytona Beach. They will receive up to $500,000 or fifty percent per year of their funding. He discussed appointing a Bicycle / Pedestrian Task Force representative. They cannot appoint an elected official or staff. Mayor Arthur asked Mr. Hallman for an update on their meeting with FDOT and Volusia County. Mr. Hallman indicated that it was a very productive meeting at which they discussed their needs, so that we will all be working on the same list of figures.

5. AUDIENCE PARTICIPATION
Regarding items not on the agenda.

Jack Schwartz, 436 South Nova Road - Ormond Beach, thanked the Commission for their courage in building the Dog Park. He stated that they have been averaging 600 dogs and 900 people a week. He stated his concern that the advisory board is ineffective though because they do not have a budget to make improvements. He clarified that he was here as an individual, not a board representative. It was explained that the role of the advisory board is to make recommendations for Commission consideration, not to expend funds. Additionally, their role is to raise funds for project improvements within the park. Mr. Schwartz expressed an overall sentiment that it is taking too long to get things done. However, the City Commission and Staff indicated that this project had progressed nicely, given the number of other priorities they are also currently working on.

6. RESOLUTION 2002-R-22, APPOINTING MEMBERS TO THE BOARD OF PLANNING AND APPEALS

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING TWO REGULAR MEMBERS AND TWO ALTERNATE MEMBERS TO THE BOARD OF PLANNING AND APPEALS AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte advised that the four positions that will expire next month are as follows: District 3 representative Cheryl Skidmore, District 4 representative Roy Phipps, Alternate Carol Swain, and Alternate J.D. Mellette. Carol Swain has stated that her schedule is such that she does not wish to be reappointed. The other three all desire to remain in their current positions. The Commission discussed the District 3 position and, though they were very impressed with Ms. Skidmore's effectiveness on this board, they expressed reluctance to make the full term appointment without a District 3 Commissioner to make the recommendation. Especially when they will have one within a few months. As for the alternate vacancy created by Ms. Swain, audience member Steve Correia was asked if he would be interested. Mr. Correia responded that he was.

*Commissioner Byrnes moved to **APPROVE** Resolution 2002-R-22 extending the term of District 3 Representative Cheryl Skidmore to August 13, 2002 and reappointing District 4 Representative Roy Phipps and Alternate J.D. Mellette, and appointing Steve Correia as an Alternate pending receipt of his application by the City Clerk, seconded by Commissioner Via.*

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Via – yes, Lockeby - yes, Arthur – yes.

7. RESOLUTION 2002-R-23, APPOINTING MEMBERS TO THE HISTORIC PRESERVATION BOARD

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, APPOINTING MEMBERS TO THE HISTORIC PRESERVATION BOARD AND SETTING FORTH THE TERM EXPIRATION DATES FOR SAID MEMBERS; AND PROVIDING AN EFFECTIVE DATE.**

Mr. Forte advised that this board has been in effect for a year and the creation of staggered terms have brought about the expiration of two members terms. Board Member Dean Wiggins and Alternate Jim Burnett have both requested reappointment.

Commissioner Via moved to ***APPROVE*** *Resolution 2002-R-23 reappointing Board Member Dean Wiggins and Alternate Jim Burnett, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby - yes, Arthur – yes.

8. RESOLUTION 2002-R-24, AUTHORIZING A TWO-YEAR EXTENSION TO THE CONTRACT WITH BRENT MILLIKAN AND COMPANY, P.A. FOR ANNUAL FINANCIAL REPORTS

Mr. Simpson read by short title:

> **A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA AUTHORIZING A TWO-YEAR EXTENSION TO THE CONTRACT WITH BRENT MILLIKAN AND COMPANY, PA FOR PROFESSIONAL AUDITING SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.**

Commissioner Via moved to ***APPROVE*** *Resolution 2002-R-24, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby - yes, Arthur – yes.

9. SECOND READING OF ORDINANCE 2634, AMENDING THE LAND DEVELOPMENT REGULATIONS REGARDING BLOOD BANKS AND PLASMA CENTERS

Mr. Simpson read by short title:

> **AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA, AMENDING THE CODE OF ORDINANCES, CHAPTER 78 (GENERAL PROVISIONS), SECTION 78-14 (DEFINITIONS), TO REVISE THE DEFINITION OF "BLOOD BANKS" AND TO ADD A NEW DEFINITION FOR "BLOOD PLASMA CENTER"; AMENDING CHAPTER 114 (ZONING), ARTICLE II, DIVISION 10 (I-1 WHOLESALE-LIGHT INDUSTRIAL DISTRICT), SECTION 114-535 (PERMITTED SPECIAL EXCEPTIONS), TO ADD "BLOOD BANKS" AS A PERMITTED SPECIAL EXCEPTION; AMENDING CHAPTER 114 (ZONING),**

ARTICLE II, DIVISION 11 (I-2 HEAVY INDUSTRIAL DISTRICT), SECTION 114-565 (PERMITTED SPECIAL EXCEPTIONS), TO ADD "BLOOD PLASMA CENTER" AS A PERMITTED SPECIAL EXCEPTION; AMENDING CHAPTER 114 (ZONING), ARTICLE III, DIVISION 2 (SPECIAL EXCEPTIONS), SECTION 114-695 (CONDITIONS FOR APPROVAL OF BLOOD BANKS) TO REVISE THE CONDITIONS FOR APPROVAL OF BLOOD BANKS; AMENDING CHAPTER 114 (ZONING), ARTICLE III, DIVISION 2 (SPECIAL EXCEPTIONS), TO ADD A NEW SECTION 114-700 ESTABLISHING CONDITIONS FOR APPROVAL OF BLOOD PLASMA CENTERS; PROVIDING FOR SEVERABILITY; REPEALING ALL LAWS OR PARTS OF LAWS IN CONFLICT HEREWITH; AND PROVIDING WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Mr. Keeth advised that Ms. Clauss had made the two changes they requested at their last meeting to this ordinance. This ordinance currently provides the ability for the Commission to waive the one hundred foot separation from residential zones requirement. It does not however provide for waiving the one thousand foot separation from other blood banks requirement. The Commission determined they wanted this ordinance to convey that as well.

*Commissioner Via moved to **APPROVE** the Second Reading of Ordinance 2634 adding an "s" to the word "requirement" in the last sentence (grammatical) and striking through the words ~~"from residential zoned properties~~" , seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby - yes, Arthur – yes.

10. SPECIAL EXCEPTION FOR A BLOOD BANK AT 1440 NOVA ROAD - MARTIN BUSINESS CENTER

*Commissioner Byrnes moved to **APPROVE** the special exception requested by Martin Business Center for a blood bank at 1440 Nova Road and waive the one hundred foot separation from residential zoning requirement, seconded by Commissioner Lockeby.*

Commissioner Via confirmed that their was no negative feedback received from any of the notified property owners.

The motion **CARRIED** 4-0 on roll call: Byrnes – yes, Lockeby - yes, Via – yes, Arthur – yes.

11A. FIRST READING OF ORDINANCE 2635, APPROVING A BALLOT QUESTION CONCERNING MAYORAL TERM LIMITS

Mr. Simpson read by short title:

AN ORDINANCE OF THE CITY OF HOLLY HILL, FLORIDA APPROVING AN AMENDMENT TO THE CHARTER OF THE CITY OF HOLLY HILL TO BE SUBMITTED TO THE ELECTORS AT THE SPECIAL ELECTION TO BE HELD JUNE 18, 2002; SAID PROPOSED CHARTER AMENDMENT DELETING THE TERM LIMIT OF THE MAYOR; PROVIDING FOR CONFLICTING

ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

*Commissioner Via moved to **APPROVE** the First Reading of Ordinance 2635, seconded by Commissioner Lockeby.*

Commissioner Via explained his position on this issue - that he is against term limits because the election in itself is a term limit. He added that the only one this helps is the lazy voters who don't take the time to become informed. Commissioner Byrnes agreed responded that somebody once said that you get the government that you deserve. He also pointed to the enacting documents of the founding fathers, which did not place term limit constrictions on a free society. Commissioner Lockeby stated that he did not feel that there should be a term limit on the mayor's position when there isn't one on the other commission seats. Mayor Arthur inquired as to asking the voters to amend the current provision for the filling of a vacancy of the mayor. Mr. Forte stated that was considerably more involved and would be best handled with a charter review committee. Commissioner Via stated that there are many areas of the charter that need to be amended for consistency. He agreed that a charter review committee should be prioritized in the near future.

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby - yes, Byrnes – yes, Arthur – yes.

11B. RESOLUTION 2002-R-25, CREATING THE BALLOT TITLE AND BALLOT QUESTION FOR THE ELECTION ON THE CHARTER AMENDMENT TO DELETE THE CONSECUTIVE TERM LIMIT FOR THE MAYOR

Mr. Simpson read by short title:

A RESOLUTION OF THE CITY OF HOLLY HILL, FLORIDA, CREATING THE BALLOT TITLE AND BALLOT QUESTION FOR THE ELECTION ON THE CHARTER AMENDMENT DELETING THE CONSECUTIVE TERM LIMIT FOR THE MAYOR; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTING RESOLUTIONS; AND PROVIDING AN EFFECTIVE DATE.

Mr. Forte explained that this question has been added to this agenda tonight because they need to get their approval on the wording now in order to meet the News Journal advertising deadlines. Commissioner Via stated that he felt the word Mayoral should be inserted in each response option prior to "term limit". Everyone agreed.

*Commissioner Via moved to **APPROVE** Resolution 2002-R-25, seconded by Commissioner Lockeby.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby - yes, Byrnes – yes, Arthur – yes.

12. GYMNASIUM, PHASE III PROJECT - MATERIALS TESTING

Mr. Forte advised that this is a contract with the company they have used in the past for materials testing at the site of the phase III portion of the Gymnasium project. Based on their past experience, they expect to find some debris under there - they just hope there aren't any more tanks there. This was the site of the old elementary school. They briefly discussed their plans for the completion landscape for this area.

*Commissioner Via moved to **APPROVE** authorizing the City Manager to enter into a contract with Universal Engineering Sciences, in accordance with the fee schedule dated April 12, 2002, to perform the materials testing for the Gymnasium Phase III Project, seconded by Commissioner Lockeby.*

The total amount will be based on an hourly rate. If it exceeds what they reasonably expect, Staff will bring this back to the Commission for approval.

The motion **CARRIED** 4-0 on roll call: Via – yes, Lockeby - yes, Byrnes – yes, Arthur – yes.

13. RADIO INSTRUMENTATION FOR WELLFIELD - REPAIR & REPLACEMENT

Mr. Forte advised that we budgeted $10,000 under this line item but the repairs exceed that by $1,450. There is only one company who does this type of repair work (sole source) so they did not go out for bid. The Commission discussed the FCC license they were now required to purchase, which explains why this went over budget - these used to be free.

*Commissioner Via moved to **APPROVE** authorizing the City Manager to authorize Advantage Communications, Inc. (sole source) to proceed with the repairs to our radio control system - amount not to exceed $11,450, seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby - yes, Arthur – yes.

14. PURCHASE OF A TRACTOR WITH A MOWER AND A BOOM

Mr. Forte advised that they are planning to retire vehicle number 898, which is a 1970 Ford Tractor and Mower. They have found a new vehicle, which will meet their needs even better and is well under what has been budgeted in that line item ($60,000). Commissioner Via complimented Public Works for extending the life of the 1970 Ford.

*Commissioner Via moved to **APPROVE** the purchase of a Kubota Diesel Tractor with attachments for a total delivered price of $35,580 from Tractor Depot, Inc., seconded by Commissioner Byrnes.*

The motion **CARRIED** 4-0 on roll call: Via – yes, Byrnes – yes, Lockeby - yes, Arthur – yes.

15. COMMUNICATIONS

A. City Manager

Mr. Forte advised that some vehicles are using the gas cards for the Walker Street facility now. He invited the Commission to the Employee Softball Game on May 11th. They are playing against the PAL coaches. Mr. Forte advised that he would be taking this Friday off.

B. City Attorney

Mayor Arthur stated that he heard that Commissioner Lockeby enjoyed staying at Mr. Simpson's place in the Keys.

C. Mayor and Commissioner

Commissioner Byrnes stated that this was a very nice meeting; it's good that they all get-along so well. He stated that he is looking forward to having a charter review to bring about the needed changes. He then invited everyone to attend the Stetson Symposium "Bridging the Digital Divide" which aims to bring computer literacy and availability to everyone. This will be held May 30th in Orlando.

Commissioner Lockeby thanked Ms. Gubernator for her hard work, which is reflected in our audit report.

Commissioner Via thanked everyone who came tonight (in the tradition of Commissioner Keith Tarrer). He pointed-out that Commissioner Tarrer is recognized in our audit report as being a part of their governing body at that time. Referring to their great audit report, he stated that it was under Ms. Gubernator that former employee James Seelbinder attained the knowledge he needed to move on to become Debary's first finance director. He complimented Ms. Gubernator on her hard work and teased her about the numerous plaques that she has earned. Commissioner Via then inquired as to the status of the sidewalks that they are planning to build to the north. Mr. Forte explained that the delay is due to their need to do a survey and for something of this magnitude they have to go through the bid process. Mr. Hallman explained the number of other projects that have of necessity preceded this.

Mayor Arthur inquired about the manholes on Riverside Drive and LPGA Boulevard. Mr. Hallman spoke to the County about that once, but he will call them again. Mayor Arthur complimented Staff on the audit report.

16. ADJOURNMENT

The meeting officially adjourned at approximately 9:15 p.m.

City of Holly Hill

William D. Arthur, Mayor

Attest:

Jeaneen P. Clauss, City Clerk